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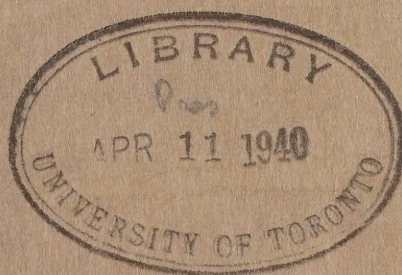
of

ORDERS IN COUNCIL

Applicable to

WAR SUPPLY BOARD

February 23, 1940




OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

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WAR SUPPLY BOARD

*Consolidation of P.C. 2696, dated 15th September, 1939, as amended
by P.C. 3174, dated 1st November, 1939, P.C. 3786, dated
23rd November, 1939, P.C. 188, dated 17th
January, 1940, and P.C. 617, dated
15th February, 1940*

1. Unless the context hereof otherwise requires,
 - (a) "Board" means the War Supply Board;
 - (b) "Minister" means the Minister of Transport;
 - (c) "Munitions of war" means arms, ammunition, implements of war, military, naval or air stores, or any articles deemed capable of being converted thereinto, or made useful in the production thereof;
 - (d) "Supplies" includes materials, equipment, ships, aircraft, automotive vehicles, animals, goods, stores and articles or commodities of every kind including, but not restricting the generality of the foregoing (i) articles and equipment which, in the opinion of the Board, would be essential for the needs of the Government or of the community in war; and (ii) anything which, in the opinion of the Board, is, or is likely to be, necessary for or in connection with the production, storage or supply of any such article as aforesaid;
 - (e) "Defence projects" includes the construction, erection, repair, improvement, maintenance or extension of buildings, airdromes, airports, dockyards, roads, defence fortifications or other naval, military or air force works.
2.
 - (1) There shall be a Board to be known as the War Supply Board which shall consist of not less than two nor more than five members who shall be appointed by the Governor in Council and who shall hold office during pleasure.
 - (2) Two members of the Board shall form a quorum and the concurrence of at least two members shall be necessary for the execution of any act by the Board and the act of two of its members shall be deemed to be an act of the Board.
 - (3) The Governor in Council may from time to time fill any vacancy among the members of the Board.
 - (4) Except as otherwise directed by the Governor in Council, the members of the Board shall devote their whole time to the business of the Board.
 - (5) The Chairman and the other members of the Board shall be paid such salaries respectively as may be fixed by the Governor in Council.
 - (6) Members of the Board in receipt of a salary fixed by the Governor in Council shall be entitled to receive and be paid their actual disbursements for living and travelling expenses necessarily incurred by them while absent from Ottawa in connection with the discharge of their duties. Members of the Board not in receipt of salary shall, in addition to their actual travelling expenses necessarily incurred by them while absent from their customary places of residence, be entitled to receive and be paid while absent from their customary places of residence

in connection with the discharge of their duties such allowance for living expenses as the Governor in Council, on the recommendation of the Minister, may from time to time determine.

- (7) If any member is unable at any time by reason of absence, incapacity or other inability to perform the duties of his office, the Minister may appoint temporarily a substitute member upon such terms and conditions as he may determine.
- (8) The headquarters of the Board shall be at Ottawa.
- (9) Every member upon appointment to office shall take and subscribe before the Clerk of the Privy Council an oath which shall be filed in the office of the said Clerk in the following form:

I,solemnly
and sincerely swear that I will faithfully and honestly fulfil the
duties which devolve upon me as Chairman (or as member) of the
War Supply Board.

So help me God.

3. The Board, with the approval of the Governor in Council on the recommendation of the Minister, may employ a secretary, and such professional technical and other officers, clerks and employees as it may deem necessary for the proper conduct of its business and with such approval may fix their remuneration.
4. The Board, with the approval of the Minister, may make by-laws not inconsistent with the provisions hereof for the direction, conduct and government of its business. In the performance of the duties conferred upon the Board hereunder, the Board shall have power from time to time to determine, and from time to time to change, the persons by whom and the manner in which, contracts and other documents or instruments in writing are or may be negotiated and executed.
5. (1) It shall be the duty of the Board and the Board shall have authority to examine into and organize the resources of Canada and the sources of supply and the agencies available for the supply of munitions of war and supplies and for the execution and carrying out of defence projects, and to investigate the needs present and prospective of the Government and the community in respect thereto, and to do what the Board may consider practicable to insure a proper allotment of such munitions of war to such agencies as may require same and to recommend to the Minister and if approved by him, to carry into effect such measures and enter into such contracts on behalf of His Majesty in right of Canada as it may consider necessary with the object of ensuring, as far as possible, that the requirements of the Government of Canada for supplies and munitions of war for the present and future shall be available in such quantity and at such times as the exigencies of the occasion may require.
- (2) In carrying out the provisions of this Order the Board may make use of the services of any board, agency or association or of any department of the Government.
- (3) The Board shall have
 - (a) authority to procure, purchase and acquire munitions of war and supplies which may be required by the Government of Canada and to procure the execution and carrying out of defence projects for, during or respecting the present war, and to enter into contracts therefor and in respect thereof on behalf of His Majesty in right of Canada including, but without restricting the generality of the foregoing, contracts for the repair, maintenance and servicing of munitions of war and supplies;

- (b) authority to control or supervise and, if authorized by the Governor in Council, to procure, purchase and acquire and enter into contracts for the procuring, purchasing or acquisition of munitions of war and supplies for any of His Majesty's Governments or for the Government of any Allied or Associated Power;
 - (c) exclusive authority to exercise the authority set out in paragraph (a) of this subsection with respect to munitions of war and supplies and defence projects which may be required by the Department of National Defence, excepting however (i) munitions of war or supplies manufactured in an arsenal or factory owned or operated by the Government of Canada and (ii) defence projects carried out by persons in the employ of His Majesty in right of Canada and (iii) such munitions of war or supplies as the Board at the request or with the approval of the Minister of National Defence and with the approval of the Minister, for reasons of practicability or otherwise, requests the Department of National Defence by either a specific or a general request to procure, purchase, or acquire, and (iv) such defence projects as the Board at the request or with the approval of the Minister of National Defence and with the approval of the Minister, for reasons of practicability or otherwise, requests the Department of National Defence by either a specific or a general request to procure the execution of and to carry out;
 - (d) exclusive power and authority to superintend and enforce the performance of all contracts entered into by the Department of National Defence prior to November 1, 1939, including such thereof as were negotiated, executed or partly performed before the last mentioned date, according to the respective terms of such contracts, and not otherwise, but subject to variance of such terms by mutual consent in the same manner as if the variance were a contract negotiated by the Board.
- (3A.) It shall be the duty of the Board to make such investigation of the contracts referred to in subparagraph (d) of subsection (3) of this Section 5 as the Board may consider to be in the public interest and to report to the Minister the results of such investigation, together with such recommendations as the Board may consider desirable.
- (4) In respect of all contracts to be entered into by the Board on behalf of His Majesty in right of Canada other than contracts entered into under the provisions of sub-section (1) of this Section 5, the following regulations shall apply:
- (a) requisitions shall be made by the Department of the Government of Canada concerned to the Board for the purchase of any munitions of war or supplies or for the carrying out of any defence projects, and a copy of each such requisition shall concurrently be sent to an officer of the Department of Transport designated by the Minister;
 - (b) such requisitions shall state the estimated cost of the munitions of war or supplies or the defence projects as the case may be;
 - (c) requisitions shall be signed in accordance with the following provisions
 - (i) if the requisition involves an estimated expenditure not exceeding \$5,000 the requisition shall be signed by the Minister or the Deputy Minister or an Acting Deputy Minister of the Department concerned or by such other officer or officers of the Department as the Minister of such Department may authorize;

- (ii) if the requisition involves an estimated expenditure exceeding \$5,000 but not exceeding \$50,000 the requisition shall be signed by the Minister or the Deputy Minister or an Acting Deputy Minister of the Department concerned;
- (iii) if the requisition involves an estimated expenditure exceeding \$50,000 the requisition shall be signed by the Minister of the Department concerned;
- (d) tenders shall be called for and purchases shall be made and defence projects carried out by contracts given to the lowest tenderer, except in cases where in the opinion of the Board it is impracticable or not in the public interest to call for tenders or not in the public interest to let the contract to the lowest tenderer provided however that the Board may, in its discretion, dispense with calling for tenders in any particular case or cases if, having regard to prior purchases by the Board of similar munitions of war or supplies, the Board is satisfied that the price proposed to be paid for the munitions of war or supplies to be purchased without calling for tenders is fair and reasonable, and the course being taken by the Board is in the public interest.
- (e) in cases where the amount involved in any proposed contract exceeds \$5,000 the proposed contract shall not be entered into until authority to do so has been granted by the Governor in Council on the recommendation of the Minister after a report made by the Board to the Minister setting out
 - the nature and major particulars of the contract;
 - the method of arriving at the contract price;
 - the extent to which opportunity was given to probable suppliers to submit prices;
 - the reasons why tenders were not called for or why the lowest tender was not recommended, if either is the case; and
 - the opinion of the Board as to the course taken being in the public interest and as to the price and terms being fair and reasonable;
- (f) In cases where the amount involved in any proposed contract does not exceed five thousand dollars (\$5,000) the Board may enter into such proposed contract without authority from the Governor in Council other than that conferred hereby, but the Board shall send to the Minister, in such form and at such times as he may direct, a summarized statement of such contracts so entered into.
- (g) in the case of extras or other allowances or of variations, alterations, or modifications to or of any contract by reason of which the total amount of the expenditure involved will exceed the amount of expenditure involved in the original contract, the regulations contained in paragraphs (a) to (f) inclusive of this subsection shall apply *mutatis mutandis*, having regard to the amount of such excess;
- (h) the regulations set forth in the foregoing paragraphs (e), (f) and (g) of this subsection may be departed from by the Board, with the approval of the Minister, in any particular or particulars only in exceptional cases which, in the opinion of the Board, the Minister of the Department concerned, and of the Minister, are of extreme urgency.

- (5) The Board shall assume and take over all the contracts made by or with the Defence Purchasing Board and the work of that Board as from a date to be fixed by Order in Council and shall have the same power and authority in respect of such contracts as is or but for the provisions of this Order would have been possessed by the Defence Purchasing Board with respect thereto, including, without in any way limiting the generality of the foregoing, power and authority to enter into on behalf of His Majesty in right of Canada any contract which the Governor in Council has authorized that Board to enter into but which has not been entered into at or prior to the assumption or taking over by the Board of the work of that Board as aforesaid. In addition the Board shall have the same power and authority to supervise and complete the performance of, amend, vary, alter or modify any contract entered into by that Board or accept any tender or offer made to that Board as agent or otherwise as if the said contract had originally been entered into by the Board or as if the said tender or offer, as the case may be, had originally been made to the Board.
6. (1) The Board may by notice in writing require any person producing, dealing in, or having control of any munitions of war or supplies, to make periodical and other returns, at such times and containing such particulars as may be specified in the notice, as respects
- (a) the stocks of munitions of war and supplies for the time being held by him and the quantities of same which by virtue of any contract are to be delivered by or to him and the date of delivery thereof and any contemplated purchase or other acquisition of munitions of war or supplies directly or indirectly from sources other than Canadian and the source thereof; and
 - (b) the facilities available for producing such munitions of war and supplies or storing stocks thereof.
- (2) The Board may by notice in writing require any person executing or carrying out defence projects, or carrying on a business which in the opinion of the Board is suitable for or can be adapted to executing or carrying out defence projects, to make periodical and other returns, at such times and containing such particulars as may be specified in the notice, as to the facilities available for carrying out such defence projects.
- (3) The Board may by notice in writing require any person who has under his control accommodation suitable for the storage of any munitions of war or supplies to make periodical and other returns, at such times and containing such particulars as may be specified in the notice, as respects
- (a) the nature and extent of that accommodation
 - (b) the period for which any part of that accommodation is already required and the purpose for which it is required; and
 - (c) the facilities available for making use of the accommodation.
- (4) Where a government department or any person or body of persons has, by virtue of any Act or Order in Council power to obtain for any purpose information as to matters with respect to which the Board is empowered by the last three foregoing subsections to require returns to be made:
- (a) that department, person or body shall, if so required by the Board, exercise that power for the purpose of assisting the Board in obtaining any such information; and

(b) any such information obtained by that department, person or body, whether upon a requisition of the Board or otherwise, may notwithstanding anything in any other enactment, be furnished to the Board.

(5) If any person:

(a) fails to make any return which he is required to make under this section; or

(b) knowingly or recklessly makes any untrue statement in any such return;

he shall be guilty of an offence under this Order and shall be liable on summary conviction to a fine not exceeding five hundred dollars, and, if he be convicted in respect of a failure to make a return and the failure continues after the conviction, he shall be liable on summary conviction to a fine not exceeding two hundred dollars for each day on which such failure continues, not, however, exceeding a total of five thousand dollars.

7. (1) With the approval of the Governor in Council, on the recommendation of the Minister, the Board may give directions to any person who by virtue of any contract, whether made with the Board or any government department or authority or any other person, and whether made before or after the coming into force of this order, is under an obligation—

(a) to deliver any munitions of war or supplies; or

(b) to carry out any defence project;

that any work in connection with such munitions of war, supplies or defence projects shall be given priority over all other work, or shall be given priority over other work to such extent and by such means as may be specified in the directions.

(2) Where the Board is satisfied that any person to whom directions have been given under the foregoing subsection has failed without a reasonable excuse to comply with those directions, the Board, subject to the approval of the Governor in Council, on the recommendation of the Minister, may give that person directions to deliver such munitions of war or supplies or to execute and carry out such defence project within such period as may be specified in the directions.

(3) Where the Board is satisfied that any person

(a) producing, dealing in or having control of any munitions of war or supplies, or executing or carrying out defence projects; or

(b) carrying on a business which in the opinion of the Board is suitable for or can be adapted to producing or dealing in munitions of war or supplies or executing or carrying out defence projects;

having been requested by the Board or another government department or authority or any other person concerned to enter into a contract for the delivery of munitions of war or supplies or the carrying out of defence projects on terms which appear to the Board to be fair and reasonable, has refused or failed to enter into the contract, the Board, with the approval of the Governor in Council on the recommendation of the Minister, may give that person directions to deliver any such munitions of war or supplies or to execute or carry out any such defence projects within such period and to or for the Board or any other government department or authority or such person as may be specified in the directions.

- (4) The period specified in any directions given as aforesaid shall be a period within which, in the opinion of the Board, it is possible for the munitions of war or supplies to be delivered or the defence projects to be executed or carried out having regard to all the circumstances of the case, and any such directions may provide that the obligation to comply therewith within that period shall be conditional on the happening or continuance of circumstances so specified.
- (5) Where the Board is satisfied that any person to whom directions have been given under this section has failed without reasonable excuse to comply with the directions, or where the Board is satisfied that any such person will fail, or is likely to fail, to deliver any such munitions of war or supplies or to execute or carry out any such defence projects within the period specified in the directions, the Board, with the approval of the Governor in Council on the recommendation of the Minister, may authorize any persons to carry on, until the Board otherwise directs and subject to and in accordance with the provisions hereafter contained in this Order, the whole or any part of the business of the person to whom the directions were given.
- (6) Where directions are given to any person under this section then the compensation, if any, to be paid in addition to any price or remuneration which would have been payable if the directions had not been given shall be such as may be agreed between that person and the Board or in default of agreement the claim for compensation shall be referred by the Minister of Justice to the Exchequer Court or to a superior or county court of the province within which the claim arises or to a judge of any such court.
- (7) Where the failure to fulfil any contract, whether made before or after the coming into force of this Order, is due to the compliance on the part of any person with any directions given by the Board under this section, proof of that fact shall be a good defence to any action or proceeding in respect of the failure.

8. (1) Where the Board is satisfied that any person—

- (a) who carries on the business of storing goods; or
- (b) who produces any munitions of war or supplies;

having been requested to enter into a contract by the Minister of any government department for the storage of any munitions of war or supplies so required on terms which appear to the Board to be fair and reasonable, has refused or failed to enter into the contract, the Board, with the approval of the Governor in Council, on the recommendation of the Minister, may give that person directions to store such munitions of war or supplies for such period and at such place as may be specified in the directions:

Provided that the Board shall not give directions to any person under this section unless it is satisfied—

- (i) that the person has accommodation available at the place specified in the directions for the munitions of war or supplies which he is required to store; and
- (ii) in the case of any such person as is mentioned in paragraph (b) of this subsection, that the munitions of war or supplies which he is required to store are, or could conveniently be, used for or in connection with the production of the supplies mentioned in such sub-paragraph.

- (2) For the purpose of the proviso to the foregoing subsection, accommodation shall be deemed to be available for the storage of any munitions of war or supplies if—
 - (a) the accommodation is suitable for the storage of such munitions of war or supplies; and
 - (b) the accommodation is not already required for any purpose by virtue of any contract; and
 - (c) in the case of any such person as is mentioned in paragraph (b) of that subsection, the accommodation is not required for the normal business requirements of that person.
- (3) A person for the time being storing munitions of war or supplies in pursuance of directions given under this section shall be under the same liability with respect to loss of or damage to same as he would be if he had agreed to store them for reward.
- (4) Where the Board is satisfied that a person to whom directions have been given under this section has failed without reasonable excuse to comply with the directions, the Board, with the approval of the Governor in Council, on the recommendation of the Minister, may authorize any person to carry on, until the Board otherwise directs subject to and in accordance with the provisions hereafter contained in this Order, the whole or any part of the business of the person to whom the directions were given.
- (5) Where directions are given to any person under this section for the storage of any munitions of war or supplies, the compensation for such storage shall be such as may be agreed between that person and the Board or in default of agreement the claim for compensation shall be referred by the Minister of Justice to the Exchequer Court or to a superior or county court of the province within which the claim arises or to a judge of any such court.
9. (1) The Board may direct any person producing, dealing in, storing or having control of any munitions of war or supplies or executing or carrying out any defence project, to produce to any person authorized for the purpose by the Board any books or documents of any description specified in the directions and to permit the person so authorized to take copies of or extracts from any such books or documents.
- (2) If the Board is satisfied that the records kept by any such person as aforesaid are insufficient to enable a fair and reasonable price of any munitions of war or supplies to be determined, or a fair and reasonable remuneration for the storage of any munitions of war or supplies, as the case may be, or carrying out of the defence project in question to be determined, it may direct that person to keep such records as may be specified in the directions.
- (3) If any person fails to comply with any directions given by the Board under this section—
 - (a) he shall be guilty of an offence under this Order and shall be liable on summary conviction to a fine not exceeding five hundred dollars, and, if the failure in respect of which he was so convicted continues after the conviction, he shall be liable on summary conviction to a fine not exceeding two hundred dollars for each day on which the failure continues; not, however, exceeding a total of five thousand dollars; and
 - (b) with the approval of the Governor in Council, on the recommendation of the Minister, the Board may, without prejudice to the provisions of the last foregoing paragraph, authorize any person

to carry on, until the Board otherwise directs and subject to and in accordance with the provisions hereafter contained in this Order, the whole or any part of the business of the person so failing.

10. (1) Where by virtue of the foregoing provisions of this Order any person (hereafter in this section referred to as a "controller") is authorized by the Board to carry on the whole or any part of the business of any other person (hereafter referred to as "the owner")—

- (a) the controller may, subject to any instructions of the Board, do all such things as he thinks fit for the purpose of carrying on the business or any part thereof;
- (b) the controller may direct the owner or any person employed in connection with the business or any part of the business to furnish to him any estimates, returns or other information relating thereto;
- (c) in carrying on the business or any part thereof, the controller shall be deemed to be acting as the agent of the owner, except that the owner shall not have any right to control the business or such part thereof.

(2) If any person—

- (a) wilfully obstructs a controller in the exercise of any of his functions under the last foregoing subsection; or
- (b) fails to comply with any directions given by a controller under that subsection or in purported compliance with any such directions furnishes any return, estimate or other information which he knows to be false;

he shall be guilty of an offence under this Order.

11. (1) The Board, with the approval of the Governor in Council, on the recommendation of the Minister, may by order provide that any person

- (a) producing, dealing in, storing or having control of munitions of war or supplies, or executing or carrying out a defence project; or
- (b) carrying on a business which in the opinion of the Board, is suitable for or can be adapted to producing, dealing in or storing munitions of war or supplies or executing or carrying out a defence project;

shall not be bound, in respect of such matters as may be specified in the order, by any obligation or limitation imposed on that person by or by virtue of any other Act, order, rule, regulation, by-law, contract, agreement or other instrument affecting his functions.

(2) Any order made under this section may be varied or revoked by a subsequent order of the Board, with the approval of the Governor in Council on the recommendation of the Minister.

12. (1) Where any person carrying on an undertaking capable of being used—

- (a) to produce munitions of war or supplies required by any government department, board or other public authority, for the purpose of the discharge of its functions, or to carry out defence projects or works so required; or
- (b) to produce munitions of war or supplies or execute or carry out defence projects or works which are directly or indirectly required for any of the purposes mentioned in the foregoing paragraph;

and it appears to the Board that the carrying on of that undertaking would be essential in time of war, the Board, with the approval of the Governor in Council, on the recommendation of the Minister, may give to

that person directions requiring him to take, within such period as may be specified in the directions, such measures as may be so specified, being measures which in the opinion of the Board are necessary to secure the due functioning of the undertaking in time of war and which that person cannot be required to take under any other enactment.

- (2) Where the person carrying on an undertaking proves to the satisfaction of the Board that directions given under this section in respect of that undertaking have been complied with within the period specified therein, or such further period as the Board may allow, there shall be paid to that person by the Board, subject to the approval of the Minister, such compensation as may be agreed between that person and the Board but such compensation shall not exceed an amount equal to the appropriate proportion of the expenditure of a capital nature which appears to the Board to have been reasonably incurred in complying with the directions and in default of agreement the claim for compensation shall be referred by the Minister of Justice to the Exchequer Court or to a superior or county court of the province within which the claim arises or to a judge of any such court.

- (3) If any person fails to comply with directions given to him under this section, he shall be liable on summary conviction to a fine not exceeding five hundred dollars, and, if the failure in respect of which he was so convicted continues after the conviction, he shall be liable on summary conviction to a fine not exceeding two hundred dollars for each day on which the failure continues, not however exceeding five thousand dollars:

Provided that the court by which any person is convicted of an offence may fix a reasonable period from the date of conviction for compliance by him with the requirements of the directions, and where a court has fixed such a period the said daily penalty shall not be recoverable in respect of any day before the expiration thereof.

13. (1) No information with respect to an individual business which has been obtained under or by virtue of this Order shall be disclosed without the consent of the person carrying on that business.

Provided that nothing in this subsection shall apply to the disclosure of any information—

- (a) to a government department, or any person authorized by a government department, requiring such information for the purpose of the discharge of the functions of that department; or
 - (b) for the purposes of any prosecution for an offence under this Order or any arbitration under this Order.
- (2) If any person discloses any information in contravention of this section, he shall be guilty of an offence under this Order.
14. It shall be the duty of the departments or agencies of the Government and all officers and employees thereof to afford to the Board all available information in regard to any of the matters falling within the scope of the duties and powers of the Board as set out in this Order and to co-operate with it in the performance of such duties and the exercise of such powers whenever required by the Board to do so, and all relevant departmental and other records, documents, and papers shall be made available to the Board.
15. The Board shall be furnished with such office accommodation as may be necessary by the Department of Public Works.
16. The Board shall maintain such records of its transactions as the Minister may direct.

17. The Board shall as soon as possible after the termination of each fiscal year submit to the Minister an annual report covering all transactions of the Board in such form as the Minister may prescribe.
18. (1) Any person guilty of an offence under this Order for which no penalty is otherwise expressly provided by this Order shall be liable:—
- (a) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding five hundred dollars, or to both such imprisonment and such fine; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding five thousand dollars, or to both such imprisonment and such fine.
- (2) Where any offence under this Order committed by a body corporate is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
19. The provisions of this Order shall be effective notwithstanding anything contained in the Defence Purchases, Profits Control and Financing Act, 1939, or any other statute or law.

* * * *

By Order in Council P.C. 3300 dated the 25th day of October, 1939, His Excellency the Governor General in Council fixed November 1, 1939, as the date on and from which the War Supply Board was to assume and take over all contracts made by or with the Defence Purchasing Board and the work of that Board.

SUPPLEMENT

*P.C. 2921, dated 28th September, 1939
and*

P.C. 709, dated 23rd February, 1940

P.C. 2921

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 28th September, 1939.

The Committee of the Privy Council have had before them a report, dated 28th September, 1939, from the Minister of Finance submitting:—

1. That subsection (3) of Section 5 of the Order in Council constituting the War Supply Board (P.C. 2696 dated September 15, 1939) reads as follows:—

(3) With the approval of the Minister, the Board shall have authority—

(a) to procure, purchase and acquire munitions of war and supplies which may be required by the Government of Canada and to procure the execution and carrying out of Defence projects for, during, or respecting the present war, and to enter into contracts therefor;

(b) to control or supervise and, if authorized by the Governor in Council, to procure, purchase and acquire and enter into contracts for the procuring, purchasing or acquisition of munitions of war and supplies for any of His Majesty's Governments or for the Government of any Allied or Associated Power.

2. That the Chairman of the British Purchasing Mission in Canada has requested that the War Supply Board may be authorized to act as agent for His Majesty's Government in the United Kingdom, to perform the duties specified in paragraph (b) of subsection (3) of Section 5 of the Order in Council above mentioned, in respect of orders to be placed in Canada on behalf of His Majesty's Government in the United Kingdom and represents that these orders will relate primarily to munitions of war and supplies required by the Ministry of Supply and Defence Departments of Great Britain.

The Minister, therefore, recommends that under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, the War Supply Board be hereby authorized to perform the duties specified in paragraph (b) of subsection (3) of Section 5 of Order in Council P.C. 2696 dated September 15, 1939, in respect of the procuring, purchasing and acquisition of munitions of war and supplies as defined in the said Order in Council for His Majesty's Government in the United Kingdom whether at the instance of or through the medium of the British Purchasing Mission or otherwise.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

P.C. 709

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 23rd day of February, 1940.

PRESENT:

HIS EXCELLENCY THE ADMINISTRATOR IN COUNCIL—

WHEREAS paragraphs (a) and (b), subsection (3) of Section 5 of Order in Council P.C. 2696, dated September 15th, 1939, as amended by Order in Council P.C. 3174, dated November 1st, 1939, Order in Council P.C. 3786, dated November 23rd, 1939, Order in Council P.C. 188, dated January 17th, 1940, and Order in Council P.C. 617, dated February 15th, 1940 (hereinafter referred to as the said Order) constituting the War Supply Board, read as follows:—

(3) The Board shall have

- (a) authority to procure, purchase and acquire munitions of war and supplies which may be required by the Government of Canada and to procure the execution and carrying out of defence projects for, during or respecting the present war, and to enter into contracts therefor and in respect thereof on behalf of His Majesty in right of Canada including, but without restricting the generality of the foregoing, contracts for the repair, maintenance and servicing of munitions of war and supplies;
- (b) authority to control or supervise and, if authorized by the Governor in Council, to procure, purchase and acquire and enter into contracts for the procuring, purchasing or acquisition of munitions of war and supplies for any of His Majesty's Governments or for the Government of any Allied or Associated Power;

AND WHEREAS the Minister of the Republic of France in Canada has requested that the War Supply Board may be authorized to act as agent for the Government of the Republic of France to perform the duties specified in paragraph (b) of subsection (3) of Section 5 of the said Order in respect of orders to be placed in Canada on behalf of the Government of the Republic of France and represents that these orders will relate primarily to munitions of war and supplies required by the said Government of France.

Now, THEREFORE, His Excellency the Administrator in Council, pursuant to the provisions of the said Order, is pleased, on the recommendation of the Minister of Transport and under and by virtue of the powers conferred by the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, to authorize and doth hereby authorize the War Supply Board to perform the duties specified in paragraph (b) of subsection (3) of Section 5 of the said Order in respect to procuring, purchasing and acquisition of munitions of war and supplies as defined in the said Order for the Government of the Republic of France, accordingly, subject to such financial and accounting arrangements with the Government of the Republic of France as may be approved by the Minister of Finance.

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.



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